

PROVISIONAL ELECTION

Applicants provisionally elect invention I, species B, with claims 35-39, 41 and 42 reading on the elected embodiment.

TRAVERSALS

The Examiner kindly discussed the election/restriction requirement with the undersigned. As described during the telephone conversation, Applicants are in disagreement with the Examiner regarding whether the original restriction/election requirement applies to the new claims. For example, in the original restriction/election requirement, the Examiner indicates that claims 1-27 define Invention I. It is somewhat improper to characterize the new claims as corresponding to Invention I. For example, cancelled independent claim 1 of Invention 1 required an excitation source to stimulate the amplification medium. The new claims do not require an excitation source. Applicants wish to clarify that the provisional election above should not be interpreted as a representation that the current claims contain all of the limitations of the claims of Invention I.

All of the new claims are supported by the original disclosure. To assist the Examiner in understanding the claims, the relationship between the claims and the drawings is as follows.

Claims 35-37, 41-42: Figs. 6, 9,10

Claims 38-39: Fig.6

Claim 40: Fig. 9

Claim 43: Fig. 10

In the Office Action, the Examiner suggests that claims 35-37 correspond with Species B, Fig. 6. However, as should be apparent for the above, claims 35-39, 41 and 42 read on the elected Species B (Fig. 6)

It is hoped that the above response is helpful and complete. If the Examiner has any further questions regarding the restriction/election issues, such questions can be addressed by telephone to the undersigned. Otherwise, an early action on the merits is respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Jan 12 2006

By: M.J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501